PLAINTIFF'S BRIEF.

Full Statement of the Case in Behalf of Colonel Button.

Ing the Corporation Commission to perbit him to quality, their action in the premises being merely ministerial.

If it should be chaimed that approving the form and sufficiency of the bond to be given by the Commissioner of Insurance, involved duties not merely ministerial, a sufficient answer will be found in the law hald down in 2 Henning & Munford Va. Reports, Annotated, Sec. 4 of note on page 302, where it is stated: "So where the matter involving judgment or discretion is a mere preliminary question of fact leading up to the main act which is purely ministerial, mandamis will lie, notwithstanding the determination of such preliminary question calls for the exercise of Judgment or discretion," for which position it cless Commonwealth vs. Justices of Fairfax conditions of commonwealth vs. Justices of Fairfax commonwealth vs. Justices of Fairfax commonwealth vs. Justices of Fairfax conditions of commonwealth vs. Justices of Fairfax commonwealth vs. Justices

AFTER SIX OCUCK

Sults, \$28 and \$28.



peradventure that the Logislature was to retain the power of establishing such an Insurance Commissioner at any time hereafter, when in the wisdom of the Logislature, such an orticer should be deemed desimble. For the present, it is believed that this Corporation Commission itself can act as the Insurance Commissioner and will be probably all the Insurance Commissioner we will need. But as the business of the State increases, from time to time, it may be found desirable to subdivide the work of the commission into subordinate bureaus, under the general supervision and control of the commission. Whether such a condition of affairs will ever come or not is a question, but the purpose of this amendment is to emble the Legislature to deal with it with a free hand, should the occasion ever arise, I will state that several members of your committee have conferred at length with the gentlemen representing the insurance interests of this State, and this provision meets with their full approval. In the opinion of your committee it is a very

DEFENDANT'S BRIEF.

guestion rests at last upon a sound construction of the Constitution. This construction from the Constitution of the Constitution in creating the Corporation Commission: upon the general intent as disclosed by the Constitution as to the closed by the Constitution and upon the particular language contained in section 155, which must inally control the decision of the question. It must also be considered that the existing Constitution is a departure from those heretofore prevailing in Virginia, or in other States of this Union, in creating a new department of government, viz., the Corporation Commission, for the creation and control of all corporations in the State, and giving to that body constitutional rights and powers for the purpose of enabling it to exercise and carry out the beneficial objects for which it was created.

The first thing that must be observed is, that the Constitution created a new plan for the creation and control of all corporations, and provided that such creation and control should be in the hunds and through the agency of a simple department of, sovernment. Compare, sections 164 and 154 of the Constitution, With the plan and purpose disclosed by those sections, section 155 is in harmony and carries our and purpose disclosed by those sections, section 155 is in harmony and carries our and provides—

"The General Assembly may establish subordinate divisions or bureaus of insurance, banking or other special branches of the business of that department—

or any other article or thing"; it was adjudged that the common characteris-tic of the particular words used were things which would aid the escape of the prisoner, and that the general words

struction inset be based upon a yleve settition for centing the Corporation Commission: upon the general intoit as discovered the control of the peritainty of the peritainty

Aldridge vs. Williams, 3 How., 23. U. S. vs. Union Pacific R. R. Co., 91 U. S., 79; 26 Am. and Eng. Ency. of Law, 2d Ed., Title "Statutes," 538

S.S. S. PURELY VEGETABLE

THE SWIFT SPECIFIC GO., ATLANTA, GA.

Negro Charged With Murder of

nassed; for, under the Constitution, a manurance bureau may be created and an Insurance Commissioner elected by the Legislature, it is equally apparent that there may be a commissioner of banks, of mining companies, of manufacturing companies, or mercantile corporations, and so on of all the different classes of companies, or mercantile corporations, and so on of all the different classes of captures, and so on of all the different classes of captures, and so this way if the corrections, with the exception of public services and in this way if the corrections, and the General Assembly may elect the commission and his way if the correction to appoint his clerks in an insurance bursau, the same thing may equally be done with all, or certainly nearly all, of the different corporations in the Sinte, and the control over such corporations given by the Constitution to the Corporation Commission will be largely diminished, if not wholly destroyed.

It is plain, therefore, that the Corporation Commission acted rightly in deciming to allow the qualification of the potitioner if they thought the statute in question unconstitutional, and that this court can only command them to allow the qualification provided the method of his selection is in accordance with the Constitution, and is bound to recuse to issue that inanche if the method of his appointment be contrary to the provisions of the Constitution and incordance with the Constitution and incordance with the constitution and incordance of the powers conformed upon it by the Constitution and incording and defined in this court will fitty perform its jurisaliction by the irm oxercise of the powers conformed upon it by the Constitution and incording and defined.

Hospectically submitted.

CHRISTIAN & CHRISTIAN, For Defendant

Writer of Stupidities.

One day last winter, Representative Cushman, of the State of Washington, was entertaining a constituent at lunch-con. A man passed whom Mr. Cushman selzed by the arm and presented to his

friend.
"This is the man," said Mf. Cushman, confidentially, "who has written more stundtties than any other living per-

supporties than any other living person."

The man from Washington was so taken back by the remark, which appeared to him to be the height of impoliteness, that he sat in openet-mouthed silence. The man introduced, however, took the observation good-naturedly, smiling broad-ly.

Porhaps I should add," continued Cushnan, "that this gentleman is one of the official stenographers of the House."

—Harper's Weekly,

TO HIDE CRIME

Makes Confession.

FEELING IS RUNNING HIGH

Prisoner Hurried in Trolley Car from Scene of Shooting to

(By Associated Press.)
WASHINGTON, PA. July 30.—
Dempster was safely lodged in Jali
here at 9 o'clock. Two attempts
were made to take the negro from the

NEGRO TRIES TO MURDER FAMIL'

Fired Load of Shot at Man, Wife (and Infant Child in · Georgia.

'Georgia,
(By Associated Press.)

MaCON, GA., July 30.—Joe Morris, a negro aged twenty years, to-day made an attempt to kill George E. Bloodworth, his wife and an infant child, at their home near Macon. While the family were at the supper table Morris stole up to the house, and thrusting the barrel of a sheight through an opening pulled the trigger. Over sixty shot struck George Bloodworth and nearly as many struck his wife, who was seated at his bide, wounding them seriously. Mrs. Bloodworth had her infant daughter, in her arms, but none of the shot struck the babe. After firing, Morris dropped his gun and fied. Neighbors organized a posse and are in pursuit of the negro.

Players Fined.

Players Fined.

(By Associated Press)

NEW YORK, July 30.—President Harry
C. Pullam, of the National Baseball
League, to-night announced bits finding
in the cases of the players, Pletz, of
Pittsburg, and McGinnity, of New York,
who recently engaged in an alternation
in the Pittsburg ball park. McGinnity
is fined \$100 and suspended until August
6th. Pletz is fined \$50, but his suspension
is lifted to-morrow. President Pullam
also unexpectedly fined Umpire O'Day
\$50 for not preventing the "disgraceful
affair."

Root Entertained.

Root Entertained.

(By Associated Press.)

PIETROPOLIS, BRAZIL, July 80.—Secretary Root and Lloyd O, Oriscom, the American ambassador to Brazil, were entertained at luncheon here to-day ny Baron de Rio Branco, the mipister of foreign affairs. A diplomate dinner was given by Mr. Griscom at the embassy this evening.

Secretary Root, conferred with the American delegates to the Pan-American Congress to-day.

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Brass Beds, &c.

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ture and Children's Carriages. June brides will find a great selection of Suits,